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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOUG LITTLE, Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

DOCKETED

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IN THE MATTER OF THE) DOCKET NO. RR-03639A-14-0001
APPLICATION OF THE ARIZONA)
DEPARTMENT OF TRANSPORTATION TO) DECISION NO. 74611
UPGRADE AN EXISTING CROSSING OF)
THE UNION PACIFIC RAILROAD) RESPONDENT UNION PACIFIC'S
COMPANY AT BROADWAY ROAD IN) REQUEST FOR ADDITIONAL TIME
TEMPE, MARICOPA COUNTY, ARIZONA,) TO COMPLETE CROSSING
AAR/DOT NO. 741-565L) IMPROVEMENTS AT BROADWAY
ROAD IN THE CITY OF TEMPE

Respondent Union Pacific Railroad Company ("Union Pacific"), by and through its attorneys undersigned, hereby requests additional time to complete the crossing improvements at Broadway Road in the City of Tempe, Maricopa County, Arizona, which were ordered by the Arizona Corporation Commission on July 30, 2014, in Decision No. 74611. Union Pacific requests an additional twelve (12) months to complete the Broadway Road crossing improvements. Union Pacific submits that there is good cause for its extension request because the crossing improvement's construction schedule has been slowed by various factors, including the City of Tempe's contractor bidding timeline and related construction schedules.

The City of Tempe recently informed Union Pacific that Tempe is soliciting bids for Tempe's portion of the Broadway Road project, and it expects to select a contractor for the project by its October 2016 city council meeting. Union Pacific anticipates that the selected contractor will be ready to discuss a construction schedule with Union Pacific by January 2017. Union Pacific will then need six (6) months from January 2017, to order the necessary materials, schedule

1 its construction gangs, coordinate UP's construction gangs with the contractor's schedule, and
2 complete the crossing improvements. See Declaration of Union Pacific Manager of Public Projects
3 Alex Popovici, attached as Exhibit "A".

4 Before filing this extension request, Union Pacific informed Arizona Department of
5 Transportation's railroad liaison, Mr. Jason Pike, of Union Pacific's need for additional time.
6 Union Pacific also informed ACC staff and their counsel of Union Pacific's need for additional
7 time to complete the Broadway Road crossing improvements.
8

9 The Commission ordered Respondent to complete the upgrades by July 29, 2016, twenty-
10 four (24) months from the date of the Order. Since Union Pacific cannot complete the project by
11 July 29, 2016, additional time is requested.

12 Accordingly, Union Pacific therefore requests that the Commission extend the July 29,
13 2016 deadline in Decision No. 74611 twelve (12) months to **July 29, 2017**.

14 RESPECTFULLY SUBMITTED this 2nd day of August, 2016.

15 BEAUGUREAU, HANCOCK,
16 STOLL & SCHWARTZ, P.C.

17 By: 

18 Anthony J. Hancock
19 W. Reed Campbell
20 302 East Coronado Road
21 Phoenix, Arizona 85004
22 Attorneys for Respondent Union
23 Pacific Railroad Company
24

25 ORIGINAL AND THIRTEEN COPIES
26 of the foregoing filed this 2 day of
August, 2016, with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 COPY of the foregoing mailed this
2 2 day of August, 2016, to:

3 The Honorable Scott M. Hesla
4 Hearing Division
5 ARIZONA CORPORATION COMMISSION
6 1200 W. Washington Street
7 Phoenix, Arizona 85007

8 Alex Popovici, Manager
9 Industry & Public Projects
10 UNION PACIFIC RAILROAD COMPANY
11 631 South 7th Street
12 Phoenix, Arizona 85034

13 Jason Pike
14 Railroad and Utility Coordinator
15 ARIZONA DEPARTMENT OF TRANSPORTATION
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17 M/D 618E
18 Phoenix, Arizona 85007

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City Attorneys' Office
CITY OF TEMPE
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Tempe, Arizona 85281



Lori Curry

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 DOUG LITTLE, Chairman
4 BOB STUMP
5 BON BURNS
6 TOM FORESE
7 ANDY TOBIN

8 IN THE MATTER OF THE)	DOCKET NO. RR-03639A-14-0078
9 APPLICATION OF THE ARIZONA)	
10 DEPARTMENT OF TRANSPORTATION TO)	DECISION NO. 74611
11 UPGRADE AN EXISTING CROSSING OF THE)	
12 UNION PACIFIC RAILROAD COMPANY AT)	DECLARATION OF ALEXANDER
13 BROADWAY ROAD IN THE CITY OF)	POPOVICI IN SUPPORT OF UNION
14 TEMPE, MARICOPA COUNTY, ARIZONA,)	PACIFIC RAILROAD COMPANY'S
15 AAR/DOT NO. 741-565L)	REQUEST FOR ADDITIONAL TIME
)	TO COMPELTE CROSSING
)	IMPROVEMENTS AT BROADWAY
)	ROAD IN TEMPE, ARIZONA

16 Alexander Popovici, being first duly sworn upon his oath, states as follows:

- 17 1. I am over the age of eighteen, and I have personal knowledge of the facts stated
18 herein.
- 19 2. I am employed by Union Pacific Railroad Company ("Union Pacific") as Manager
20 of Industry and Public Projects and I have responsibility for the State of Arizona.
- 21 3. The Arizona Corporation Commission approved Arizona Department of
22 Transportation's ("ADOT's") application to upgrade the existing railroad crossing at Broadway
23 Road in the City of Tempe, Maricopa County, Arizona. See, Arizona Corporation Commission
24 Decision No. 74611.
- 25 4. The Arizona Corporation Commission ordered that all crossing improvements be
26 completed within twenty-four (24) months of the Decision No. 74611 adoption date, or **July 29,**
 2016.

Doc 142527

EXHIBIT A

5. The project has proceeded slower than originally anticipated due to the City of Tempe's contractor bidding process, and related construction schedules. It is my understanding that Tempe is currently accepting bids for Tempe's portion of the project, and expects to award a construction contract by October 2017.

6. Union Pacific anticipates that Tempe will be ready to move forward with the project by January 2017, if Tempe awards the contractor's contract at its October 2016 city council meetings as anticipated. Union Pacific, whose work must coincide with Tempe's contractor's construction schedule, will need approximately six (6) months to coordinate with the selected contractor, schedule Union Pacific's construction crews, order materials, and complete the crossing's improvements.

7. Since Union Pacific is unable to complete the crossing's improvements before the July 29, 2016 deadline, additional time is needed to ensure that Union Pacific and the City of Tempe can safely complete the Broadway Road crossing improvements.

8. Union Pacific has advised Applicant Arizona Department of Transportation's ("ADOT") railroad liaison, Mr. Jason Pike, of Union Pacific's need for additional time.

9. Prior to filing this extension request, Union Pacific, through its attorneys, also advised Arizona Corporation Commission staff and attorneys of Union Pacific's request for additional time. ACC staff, through its attorney, indicated that ACC staff had no objection to the requested extension.

Alexander Popovici
Manager of Industry and Public Projects
Union Pacific Railroad Company